



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/413,642	10/06/1999	KEN SAKAKIBARA	35.13892	2258

5514 7590 11/27/2001

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

Office Action Summary

Application No.

09/413,642

Applicant(s)

SAKAKIBARA ET AL.

Examiner

Calvin L Hewitt II

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Status of Claims

1. Claims 1-40 have been examined.

Claim Objections

2. Claim 1 is objected to because of the following informalities: "an other" (should be "another"). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 9 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 9 recites, "... and a diagram image indicating an entrance door to the office, and said visitor's working situation image is displayed in a window portion of the door". Claim 16

recites, "... moving said screen to the virtual office area of the different organization in accordance with the indication"

← Explain here why the spec. is not enabling here .

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "... and a diagram image indicating [another] user's virtual single room office as said information concerning the other user on the screen of the terminal device of said user". It is not clear whether "the other user" and "another user" is one or two persons.

Claims 2-20 are also rejected as they depend from claim 1.

Claim 16 is also rejected as it recites the limitation "the different organization" in line 8 of claim 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 is also rejected as it uses the term "optimum". "optimum" is a relative term which renders the claim indefinite, further it represents a range, therefore, one of ordinary skill in the art would be unable to ascertain the scope of the invention.

7. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the link between "the indication" and the movement of a screen to a virtual office area of a different organization.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5, 8-13, 16, 21-25, 28-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294.

As per claim 1-5, 8-13, 16, 21-25, 28-33 and 36, Ludwig et al. teach a distributed office system where remote users communicate using videoconferencing that displays an information aggregate including:

- another users' working situation (figures 2A-B, 38-40)

- data (e.g. character data) regarding a user's work situation, operation content and/or name (figures 2A-B, 8A-B, 37)
- displaying a user office and diagram image (figures 38-40)
- displays information concerning the plurality of users (figures 2A-B, 38-40)
- selecting of a user to be displayed and controlling how data is displayed (figures 37-40; column/line 26/15-27/5)
- communicating with users in different windows (figure 2A-B, 8A-B, 38-40)
- selecting means for selecting another user's office, input means to visit another the selected users office, displaying the user's office including work situation and fixtures (figures 8A-C)
- a server device that makes calls to the registered number of a selected user via a telephone board (figures 20-24; column/line 18/33-20/33; column 20, lines 65-67; column 21, lines 11-35; column 25, lines 3-45)
- cameras for capturing user images, image compression, conversion, image transmission to a server device, image display on a terminal device (figures 1, 2A-B, 4, 18A-B, 21, 31A-C; column 10, lines 12-67; column 12, lines 45-55; column 17, lines 54-67; column 30, lines 11-67)

Ludwig et al. do not teach a diagram image indicating an entrance door with a window for viewing a working situation nor does Ludwig et al. explicitly teach grouping users together by organization. However, Ludwig et al. do teach a window used to view a user's working situation and surroundings (figures 2A-B, 8A-B, 37; column 15, lines 17-23). Also, if a conference call is conducted between several organizations where each party is located in an onsite conference room at the party's respective organization, then it necessarily follows that the users belonging to the same organization are displayed in the same virtual office area (figures 37 and 38). Hence, as neither the "door" nor the "arrangement of images" provide additional functionality they are merely ornamental and/or a matter of design choice, therefore, it would have been obvious to one of ordinary skill of the art to use an office door icon instead of a face icon (figure 2A) to initiate and conduct videoconferencing and arrange videoconferencing participants on the screen by organization.

Regarding working situation display of a virtual user common space, the Examiner is of the opinion that this taught by Ludwig et al. Ludwig et al. implement their system using portable devices which implies to the Examiner that videoconferencing can take place anywhere. For example, Ludwig et al. teach a conference that includes an outdoors caller in Central Mexico (figure 42; column 38, lines 22-36).

10. Claims 6, 7, 18-20, 26, 27 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294 as applied to claims 1 and 21 above, and further in view of Brunson et al., 5,760,823 and Gerszber et al., U.S. Patent No. 6,020,916.

Ludwig et al. teach a videoconferencing system that allows users simulate a face-to-face exchange over a remote network comprising: multimedia mail messages (column 6, lines 38-50; column 37, lines 57-67), management of videoconference calls that includes the system operating in "telephone mode" using telephonic techniques such as left messages, "hang up", "hold", "resume" and "refuse"(column 22, lines 1-43; column 23, lines 8-39; column/line 35/36-36/13), the use of a face icon corresponding to a user when the user is not communicating with a caller (column 23, lines 30-39), as well as video phones (figure 37; column 36, lines 1-15). Ludwig et al. also teach audio/visual messages that inform a user of the time of day or to remind the user of a time sensitive event (column 40, lines 26-33). However, Ludwig et al. do not specifically teach visual messaging. Brunson et al. teach a universal mailbox that stores incoming audio and video messages (abstract; figures 3, 6, 11-13; column/line 2/5-3/55) and receives input from audio and touch-tone ports and video workstations (column 5, lines 12-24). The system of Brunson et al. also operates like an answering service (such as Audix –column 6, lines 13-23) or machine in that a subscriber or user can leave a personal visual greeting (column

7, lines 5-40). Therefore, regarding a message that informs a caller that the desired party (i.e. user/subscriber) is "on vacation", "on the other line", "at a meeting", "out to lunch" or "resting" what have been obvious to one of ordinary skill as such greeting well known in the art of telephonic and/or electronic messaging. Hence, the Examiner is of the opinion that it is a matter of design choice as to what type of visual greeting the user or subscriber wishes to leave. Therefore, it would have been obvious to one of ordinary skill of the art to combine the teachings of Ludwig et al. and Brunson et al. The motivation is as follows:

By implementing the video messaging with the system of Ludwig et al., the Expert can inform (or remind) organizations of his consulting hours, in the event a call is placed outside the time he/she has allotted for advising clients ('294, column 40, lines 25-35).

11. Claims 14, 15, 17, 34, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294 as applied to claims 1 and 21 above, and further in view of Palmer et al., 6,195,683.

As per claims 14, 15, 17, 34, 35 and 37, Ludwig et al. teach a teleconferencing system that utilizes an architecture arrangement that accommodates users with varying multimedia handling capabilities (column 3, lines 42-50) and video workstations that receive video transmissions from laptop

at a reduced frame rate (column 38, lines 31-49). Regarding the displaying of a registered user's image when no camera is available, Ludwig et al. teach the use of laptops with reduced functionality (column 15, lines 1-9), registering of service applications (column/line 20/65-21/12) and arranging connections based on registered data (column 38, lines 31-40). The Examiner takes Official Notice that the displaying of a user's image during a two-way multimedia exchange are well known. For example, during cable and television news segments, if a foreign correspondent is at a location that doesn't support the transmission of video data, a station will often provide viewers with a still image of the foreign correspondent and a map identifying his or her whereabouts. Therefore, it would have been obvious to display a registered image of a client or co-worker using a laptop with reduced capabilities in order to identify him or her to videoconferencing participants and to prevent lewd or offensive material from being displayed. Ludwig et al. also teach the registration of service applications (column/line 20/65-21/12) and arranging connections based on registered data (column 38, lines 31-40). However, Ludwig et al. do not teach frame rate control. Palmer et al. teach a system that allows participants to optimize the delivery of multimedia content during video-teleconference (abstract). In particular, Palmer et al. allow users to control the frame rate of video content (figure 10, 21, 22; column/line 10/64-11/22; column 16, lines 40-60; column 17, lines 45-67; column 21, lines 7-

18). Therefore, it would have been obvious to combine the teachings of Ludwig et al. and Palmer et al. The motivation is as follows:

By providing users of the Ludwig et al. system with multimedia transmission controls high performance videoconferencing can be conducted in real-time and without regard to bandwidth ('683, column 5, lines 17-32).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Gore teaches a system for maintaining the current status of employees
- Dozier et al. teach video workplace security system

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to :

(703) 746-7239 (for formal communications intended for entry),

(703) 746-7238 (for after-final communications),

or:

(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

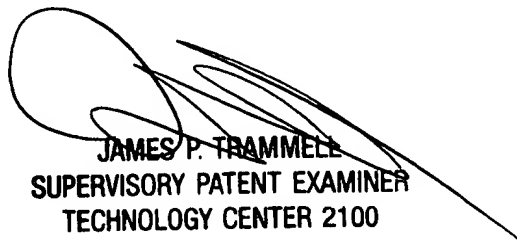
Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
305-3900.

Calvin Loyd Hewitt II

November 20, 2001


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100